IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 6526 OF 2004

Vasantrao V. Jakkal .. Petitioner

versus

Shivaji Shrimant Koli .. Respondent

...

Mr.A.A. Kumbhakoni i/b A.M. Kulkarni for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 31st August 2004

P.C:-

1. An application for appointment of a Court Commissioner was made by the appellant in appeal. Application was rejected by an order dated 14th January 2004. That order is impugned in this Writ Petition. Firstly, being an interlocutory order, I am not inclined to interfere. Secondly, I see no reason to appoint a Court Commissioner in appeal. The petitioner had applied for appointment of Court

Commissioner in the trial Court. That application was rejected. If that application has been wrongly rejected, the petitioner can challenge that order in appeal if he has already taken it as a ground in the memo of appeal.

2. Subject to these observations, petition rejected.

. Authenticated copy allowed.

D.G. KARNIK, J